

REMARKS

Claims 1-10 are pending in the application.

Specification

The specification has been objected to because the word “carped” in page 7, line 4 should be --carpeted--.

Applicants respectfully submit that, in the Reply filed on June 16, 2005, the word “carped” in page 7, line 4 has been amended to --carpet--.

Applicants prefer to use the word “carpet” rather than “carpeted” as suggested by the Examiner because the phrase “carpet pad” has been used throughout the specification to indicate element 18 shown in the drawings.

In view of this, the Examiner is respectfully requested to reconsider and withdraw this objection.

Further, minor changes have been made to the specification to place it in better form for U.S. practice.

Claim Rejections – 35 U.S.C. § 103

Claims 1-4 and 9-10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over prior art as admitted by Applicant in view of Kramer (USP 2,709,105). This rejection is respectfully traversed.

As acknowledged by the Examiner in page 3 of the Office Action, Figs. 4 and 5 of the present application do not disclose or suggest the “fragile part” recited in claim 1.

Kramer discloses a pad 21 having laterally extending ribs 24 on its lower surface. However, the ribs 24 disclosed by Kramer is formed in the entire lower surface of the pad 21 because otherwise it would not be possible to provide a softer cushioning effect or ventilation for drying out the floor panel 17 as intended.

Therefore, in Kramer, the ribs 24 are not "located only in the vicinity of said seat to allow movement of passenger's legs toward the rear of the vehicle when impact is applied to the vehicle from the front thereof." Accordingly, Kramer fails to disclose or suggest the "fragile part" as recited in claim 1.

Therefore, even assuming, *arguendo*, that Figs. 4 and 5 of the present application and Kramer can be combined, Figs. 4 and 5 in view of Kramer fails to disclose or even suggest the "fragile part" as recited in claim 1.

Claims 2-4 and 9, variously dependent on claim 1, are allowable at least for their dependency on claim 1.

Claim 10 is allowable at least for the similar reasons as stated in the foregoing with regard to claim 1.

More specifically, claim 10 is allowable at least because neither Figs. 4 and 5 nor Kramer disclose or suggest weakening the pad member "only a location behind said toe board by a predetermined distance in such a manner as not to inhibit movement of the passenger's legs toward the rear of the vehicle by bending only at the location when impact is applied to the vehicle from the front thereof."

The Examiner is respectfully requested to reconsider and withdraw this rejection.

Allowable Subject Matter

Applicants appreciate the Examiner's indication that claims 5-8 would be allowable if rewritten in independent claim form including all of the limitations of the base claim and any intervening claims.

Applicants, however, believe that claims 5-8, variously dependent on claim 1, are allowable at least for their dependency on claim 1.

A favorable determination by the Examiner and allowance of these new claims is earnestly solicited.

Conclusion

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and allowance of the pending claims in the present application are respectfully requested.

The Examiner is respectfully requested to enter this Reply After Final in that it raises no new issues. Alternatively, the Examiner is respectfully requested to enter this Reply After Final in that it places the application in better form for Appeal.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Maki Hatsumi (#40,417) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.


Application No.: 10/777,760
Reply dated November 14, 2005
to Office Action of August 19, 2005
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or to credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Dated:

Respectfully submitted,

for By  (reg. #40,417)
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